

July 2015

Draft: Bylaws of NFMAD

North Fork Mosquito Abatement District, formerly known as the Paonia Mosquito Control District, was formed as a Special District in the state of Colorado on January 14, 1981, by order of the District Court in and for the County of Delta. Civil Action No. 80-CV-102 declared this District duly organized as a quasi-municipal corporation and political subdivision of the State of Colorado, as defined by the Special Districts Act, Colorado Revised Statutes, Title 32, Article 1(1995). These Bylaws represent the basic statutory procedures governing special districts, but the laws of Colorado and the United States of America are the final authority concerning the powers and requirements affecting said special districts.

NFMAD Operations Plan: Evidence-Based and Environmentally Sound

The North Fork Mosquito Abatement District covers a vast territory of different types of terrain, from Bowie to Leroux Creek canyon, with changes in elevation, an amazing variety of micro-climates, and outstanding surface rivers, lakes, creeks, and ponds, in addition to an intricate system of irrigation canals.

Within the District, there are many types of agricultural enterprises, from large ranching and farming operations to biodynamic vineyards and organic farms. The North Fork valley offers quite of variety of recreational activities including fishing, rafting, hiking, seasonal hunting, winery tours, farm tours, cottage industries producing artisanal products from vinegar to cheese, as well as seasonal community events with art, music, and food.

However, this amazing diversity is very challenging when it comes to mosquito control! NFMAD has developed a comprehensive approach, utilizing evidence-based, environmentally-sound procedures and operations in our efforts to eradicate mosquito-borne illnesses and discomforts in our valley.

Mapping the variety of terrains and the preferred breeding habitat for specific mosquito species in a 50 square mile District, then matching the correct product application for the location, is essential for success in mosquito control.

The District uses a mapping software, ESRI ARC Geographic Imaging System, to track site evaluations, historical areas of mosquito breeding sites, treatment data, clusters of human illness caused by mosquito bites, as well as noting organic agriculture, bee hives, conservation easements, wetlands, and areas of protected or endangered species.

The mapping and site evaluation process is ongoing, and each year adds further information to our detailed grid maps, informing and directing operations.

NFMAD employs Integrated Pest Management principles and operational techniques throughout the year, with an emphasis on physical mitigation of mosquito-breeding sites. Removal of preferred breeding areas significantly reduces the need for product of any type, including larval and adulticide.

NFMAD has an extensive trapping program in place, using historical and current "hotspot" sites to define placement of CDC light traps, forming a perimeter around population dense areas, and recreational sites. Trap pools are then identified by numbers of each mosquito species present, using laminated photos of all stages of each species, through visual and microscopic methods. If numbers of Culex Tarsalis, and/or Culex Pipiens meet threshold levels, a RAMP reader test for West Nile virus is run.

The Rapid Analyte Measurement Platform (RAMP) has revolutionized surveillance and treatment response in the District, with a turnaround time of less than 6 hours, allowing the Operations Manager to direct treatment in real time, vs. waiting one to three weeks for test pool data to be returned from Denver.

Positive testing on RAMP triggers another level of action plan, according to stated thresholds, the Site Evaluation data for the identified problem area, the proximity of population centers or recreational areas, plus increased search for physical mitigation of breeding and drainage sites, and habitat management.

Negative testing on RAMP analysis may trigger the same level of action plan as a Positive test if other factors are present, such as proximity to population, high numbers of Aedes, or other nuisance species, calendar events at schools or recreational parks and areas, historical data that supports the credible suspicion of an imminent threat, or human W. Nile viral infection, or other mosquito-borne illness in the area.

In addition to site evaluation and physical methods of mitigation, trapping and ID and counting with RAMP testing, a full program of larval and pupal controls are employed.

Identification of primary, most common target species of mosquitoes are the basis of the NFMAD program, including life cycle, habitat, identification factors, disease potentials, and methods of control with larval products matched to terrain, is the primary method of larval control. Identifying characteristics of each species, through all phases, training is conducted for field crew, and each crew member carries a loupe to magnify and correctly identify the insect observed. Current dipping techniques are employed, and density within the site is recorded per dip, and dip count.

Specifics of Trapping, Identification, Counting of Mosquito Species, Analysis of Data

Mosquitoes are identified in larval stages instar 1-4, pupae, and flying adults. Trap perimeters around the towns of Hotchkiss, Paonia, and the midway corridor along Rt. 133, are trapped,

identified, and counted, once per week unless priority increases due to higher instar, presence of pupae, or landing adults while crew is observing and testing the site.

Historical areas of breeding have been compiled, analyzed, and evaluated for physical mitigation by hand or machine. Public Works, Fire Department, Volunteer crews, and the NFMAD crew continue to work together to destroy and mitigate breeding habitat, before the use of pesticides of any type are necessary.

Surveillance:

Mosquito surveillance is a routine part of the NFMAD control program, providing information on the numbers and species types of mosquitoes present in the District. Mosquito surveillance pre-treatment helps direct the mitigation program of the District, and post-treatment gives information on the effectiveness of the control strategies being used, and the need for alteration of the NFMAD plan. Trapping also helps to determine priority and timing, along with visual inspection and dipping at the sites. Routine surveillance also supports identification of unknown breeding sites, for example, if a trap pool contains a large number of adults, the search for the breeding site is expanded in .25 mile increments. Successful control strategies used in the District include treatment during the mosquito lifecycle, where products and physical mitigation are aimed at egg, larval, and if necessary, pupae phases, to avoid the hatching of adults whenever possible. This decreases the usage of pesticide products significantly, which is both cost-effective, as well as environmentally a best management practice.

Larval Surveys

Most of the equipment for larval surveillance may be commonly purchased at local stores, and is a cost-effective, efficient method of mosquito control. NFMAD performs extensive larval surveillance on sites that have historically shown breeding activity, as well as any newly reported or evaluated areas. Larvicide programs are targeted

at controlling mosquito larvae before they leave the water. This strategy can be the most effective, most economical, and the safest method of controlling mosquito populations. Given that one adult mosquito can increase the mosquito population by hundreds every week to ten days, depending on adult control will doom the program to failure.

Without a larval surveillance and mitigation plan that is extensive within the District, the incidence of mosquito-borne illness will inevitably rise. Chemical control, essentially adulticide spray products, do not have the level of success that would constitute mosquito control without a larvicide program, as well as a physical mitigation effort. Avoidance of pesticide usage by eradication of the mosquito populations earlier in the lifecycle allows NFMAD to decrease the discharge and application of pesticides into the environment.

A white plastic or metal dipper is used for collecting water from artificial and natural water sources, including ditches, margins of ponds, stagnant areas, culverts, etc. Estimates of larval population densities are obtained by counting the number of larvae per dip, using a standard size dipper. Three to five dips are taken, essentially every 10 feet around a site, noting and recording on the data card for the site, the number of dips taken, and the numbers of larvae in each dip, and the life stage of the larvae (instar 1-4), and presence of pupae.

Water temperature is also recorded, and using this combination of factors, an educated estimate as to when adult mosquitoes will emerge, and hence, what control efforts should be made, in what timing.

Larvae generally develop faster in higher temperature water. Large numbers of pupae indicate a large number of adults will emerge within a few days, signaling an urgent priority for pupae treatment to

prevent the hatch. Since pupae do not feed, larval products such as Bti that must be eaten by mosquito larvae are ineffective, and a pupacide must be added to the treatment protocol for successful mitigation.

If larvae are present in instar 1 and 2, exclusively, it may be 8-10 days before adults emerge, depending on the species and temperature, hence larval products containing Bti or Bs may be suitable. Large numbers of pupal skins floating on the surface is a sign that adults have recently emerged, and adult control methods must be added. Accurate identification of species is useful in determining the appropriate larval control agent. For example, *Bacillus Sphaericus* is highly effective on *Culex* mosquitoes, but not *Anopheles*.

Adult Surveys

Adult mosquito surveillance is an essential part of the NFMAD program of control. Adult surveillance provides information on the effectiveness of the larvicide program. However, the presence of some adult mosquitoes does not mean that larviciding efforts are not working as no product-based program will be totally successful in eradicating mosquitoes of all species. The objective is to control the mosquito populations as early in the lifecycle as possible, while using physical mitigation techniques to search and destroy breeding habitat, improve agricultural irrigation practices, educate homeowners, and work towards community coordination to achieve eradication of mosquito habitat. This is the only way to successfully eradicate mosquito-borne illness.

Adult surveillance involves routine trapping, identification, and counting of each species to estimate the population density and distribution, indicate the presence of breeding sites that have been overlooked or unsuccessfully mitigated at an earlier stage, and

provide Culex females for West Nile virus testing using the RAMP reader system.

CDC Light traps, dry ice for CO₂, are employed by NFMAD. These traps are designed to collect adult female mosquitoes that are seeking a blood meal source, attracted to carbon dioxide produced by a potential vertebrate host. NFMAD sets these traps throughout the season, starting quite early and continuing through September, depending on weather and variables such as the irrigation season start and end dates, to collect data on mosquito relative population numbers and species diversity. 15-20 traps are set at the same locations throughout the season, at the same height, the same night of the week whenever possible, and when feasible, the same locations are used year to year. Floater traps are set in response to nuisance reports from residents of the District, to close a perimeter around an event or recreational site, or as a "rental" to individuals that want information on their home. Traps are set between 6pm to 8pm, and are collected the following morning between sunrise and 8am.

Adult mosquitoes are then euthanized by freezing, identified to species when possible, and counted. If threshold levels are met for Culex species, the mosquitoes are then RAMP tested for West Nile virus. Testing results determine the next phase of treatment.

NFMAD maintains a voicemail telephone number, 970-527-6681, as a "mosquito hotline" where residents of the District can call with reports of mosquito presence, mosquito annoyance complaints, reports of standing water, or observance of crew behavior. Information obtained from these calls is used to help direct trapping efforts using floater traps, and the need for evaluation of a site not currently in the database.

With new site areas, or sites without historical data for a variety of reasons, proximity to populated areas is given higher factor-weight.

In addition to trapping, NFMAD includes surveillance of possible daytime resting stations for adults, both natural and manmade. These include houses, barns, sheds, privies, bridges, culverts, hollow trees, overhanging cliff areas, and foliage.

Adulticide Applications in IPM Operations

NFMAD established Response Levels and Action Thresholds in accordance with the Federal Center for Disease Control mandates of December 2012, declaring West Nile viral infection to be an epidemic in the 48 contiguous United States.

Epidemic status of West Nile virus has altered threshold levels of adulticide application, making physical mitigation projects essential to the eradication of mosquito-borne illness.

Further, West Nile is only one of many mosquito-borne illnesses that endanger the District, with Chikungunya virus, Dengue fever virus, malaria and plague, all making news in epidemiology in the USA. NFMAD is committed to defending public health and safety, with comfort a secondary but real concern.

Adulticide

FMAD employs adulticide products based on current scientific research in the pest control field, minimizing environmental impact, while maximizing adult mosquito control. Obviously, the District operations plan utilizes site evaluation and location of breeding sites, physical mitigation to alter and/or destroy breeding areas, and larval and pupal product treatments before application of adulticide products.

The decision to use adulticide in the District is based on multiple factors, including trap data, RAMP reader testing, threshold and response level mandates, current or past reports of human illness in the area, historical data on the proposed site, upcoming events, as well as considerations of population density and proximity of organic agriculture.

NFMAD does extensive applications of barrier spray products, and an attractant non-toxic bait that is organic.

When and if adulticide spraying or fogging is indicated by this variety of factors in the North Fork District, every effort is made to apply the product when the least amount of people, and non-target species are in the area to be treated. Adulticide spraying typically takes place at, or after dusk, or very rarely in early dawn hours, when adult mosquitoes are flying in the greatest concentrations.

If a site is treated with adulticide, the search for contributing breeding areas widens in quarter-mile increments, and increased surveillance is employed to discover the causes of adult mosquito hatches. Unfortunately, the western boundary of the District borders the one third of Delta County that is not in either mosquito control district, hence wind and weather do blow adult mosquitoes into lower Hotchkiss. NFMAD has identified properties along this boundary to include within the District, to strengthen the defenses along the western and northern boundaries.

NFMAD uses equipment that has been industry-calibrated and droplet tested, using the latest laser and computer technology. This includes the backpack/handheld Mozzie units, the ATV-mounted sprayers, as well as the truck-mounted sprayers.

Precise application of adulticide involves many factors to ensure maximum effect with minimal usage of product, and the lowest environmental impact possible. Applications of adulticide product are closely monitored through visual observation, measurement of wind

speed and direction, temperature, GPS positioning of location, as well as the amount and type of product utilized. In addition, adulticide is applied in full compliance with current laws governing types of products, drifting of product, and observance of boundary lines.

Accidental product spill procedures are far above industry standard, and spill kits are included in every vehicle. Every crew member has received extensive training with each type of equipment and appropriate calibration, each product, and procedures for safety, avoidance of over-exposure and over-application, and avoidance of accidental spills.

RESPONSE LEVELS OF NFMAD 2015S

NFMAD surveillance and response plan is based on conditions at three levels: Normal season, Emergency planning, and Epidemic. Five risk factors are analyzed to determine the appropriate response level:

1. Environmental condition: snowfall, rainfall, temperature, previous to current season
2. Adult mosquito vector species, "abundance"
3. Viral test positives on RAMP and/or PCR
4. Human cases of mosquito-borne illness, including West Nile and SL Encephalitis
5. Proximity of detected viral activity in relation to population areas

Each of these risk factors counts as 1 point, with 5 points representing conditions indicative of a high risk of human infection with a mosquito-borne virus.

Level 1: Normal Season, 1.0-2.5

- typical snowpack, rainfall, average typical temperatures
- mosquito vector species at or below threshold
- Zero viral activity in test pools from trapping
- No human cases

RESPONSE:

Conduct public education for reducing habitat for breeding at home and personal protection

Conduct mosquito and virus surveillance activities consistent with IPM program

Conduct routine mosquito larval control, as well as continued physical mitigation

Evaluate possible pesticide resistance in vector species, research possible mutations

Ensure adequate emergency response funding

Continue press notices and public information announcements

Level 2: Emergency Planning 2.6-4.0

- Snowpack, rainfall, weather atypical moisture conditions
- mosquito vector species greater than threshold
- One or more positive viral tests of trapped mosquito pools
- One human case in Delta County
- viral activity in close proximity to populated areas

RESPONSE:

Enhance public education, include signs and symptoms of prevalent illnesses (West Nile, SLE)

Increase surveillance and larval controls

Increase adult surveillance

Increase number of mosquito pools tested for virus

Review, update, and enact selection criteria for adulticide products.
Review candidate pesticides and current product specs for availability and susceptibility of vector species

Conduct localized chemical controls of mosquito adults, up to Phase 3 of Adulticide measures

Contact commercial applicators in anticipation of large scale treatment for adults

Review crisis public communication plan, coordinate with Public Health office.

Level 3: Epidemic, 4.1-5.0

-Snowpack, rainfall, weather, Atypical, over longer period of time and seasons

-Adult vector populations extremely high, at top of threshold and above

-One or more human illness cases in NFMAD district

-Virus detection on testing in Delta County, regardless of population density

RESPONSE:

Conduct full scale media campaign

Initiate crisis communication plan

Continue enhanced larval surveillance and control of immature mosquitoes

Broaden geographic coverage of adult mosquito surveillance and trapping

2015 Thresholds for Adult Mosquito Mitigation

Area with Higher Population Density:

*3-20 Culex species mosquitoes in trap: RAMP TEST

WITH POSITIVE RAMP:

*Go to Phase I of Adulticide protocol with targeted fogging

WITH NEGATIVE RAMP:

*Go to Phase 1 Adulticide protocol if there are human West Nile cases in area of trapping, and/or a strong, credible suspicion of infected Culex presence based on historical data.

In addition:

- *Expand breeding site search, larval and pupal treatment by .25 mile.
- *Evaluate site for possible physical mitigation
- *Contact immediate landowners for cooperative mitigation effort and warning of illness possibility
- *Re-trap after adulticide application to determine success of treatment.
- *Re-trap again in one week: if Culex numbers do not drop, advance to Phase 2 of Adulticide protocol, and expand search/treatment to .50 mile, in accordance with NPDES response level requirements.

Area with Lower Population Density:

- *15 and above Culex species in trap

Same modifiers as Area of Higher Population

Total Mosquitoes, non-specified species:

- *100 total count and above mosquitoes in trap:

Trigger Phase 1 Adulticide protocol due to potential for human disease.

For a Scheduled Community Event:

- *Increase surveillance, including trapping, 2 weeks prior to event. *Apply Adulticide according to higher population density modifiers.

Article 1

Boundaries of the NFMAD

Section 1

The corporate name of this Special District shall be North Fork Mosquito Abatement District (NFMAD) (hereinafter stated as the "District"), and the term of its existence shall be perpetual, subject to the methods of elimination and dissolution in Colorado REV. STAT 32-1-701 through 32-1-710.

Section 2

1. The boundaries of the District, which lie solely in Delta County, Colorado, are as set forth in the attached copy of the January 14, 1981, Delta County District Court Findings and Decree Establishing District, designated herein as Exhibit "A", and as set forth in the attached copy of the September 26, 1986, Delta County District Court Order for Inclusion Within the NFMAD of Specific Real Property, designated herein as Exhibit "B", and as set forth in the attached copy of the August 22, 2006 Delta County District Court Order for Inclusion of Lands, designated as Exhibit "C", and as forth in the attached copy of the November 14, 2006 Delta County District Court Order for Inclusion of Lands, designated herein as Exhibit "D", and as set forth in the attached copy of the (Inclusion Hotchkiss)_____2015 Delta County District Court Order for Inclusion of Lands, designated herein as Exhibit "E".
2. The District Boundaries may be altered in future years by Petition for Inclusion of a residential property that is (a)

continuous with the current boundary line of the District, (b) within a neighborhood the District is already serving, (c) within a neighborhood the District has identified for inclusion and/or annexation, or (d) by petition of a governing body within Delta County, Colorado.

The inclusion process as initiated by (a) the fee owners of 100% of any real property capable of being served by the District by filing with the District Board of Directors a petition for inclusion of that property (32-1-401(1)), or (b) a petition for inclusion may be filed by 20% or 200 of the taxpaying electors within a specified area (32-1-401(2)(a)(I),CRS), or (c) the Board of Directors may adopt a resolution proposing the inclusion of a specific area. (32-1-401(2)(a)(II), CRS). Option C is the most common method of initiating inclusion of an area with many property owners, and is the prescribed method for inclusion chosen by the NFMAD Board of Directors.

No Single Tract or parcel constituting more than 50% of the total area to be included may be included without the consent of the owner of that parcel.

3. Public Hearing and Adoption of Resolution:

The Board of Directors shall hear the petition or resolution at a public meeting after publication of a notice of the hearing, and if inclusion by election is chosen, mailing of a notice to all affected property owners. The Board of Directors shall grant or deny the petition, or adopt the resolution in whole or part, and with or without conditions. The Board shall not grant the petitions if a county agency has submitted a specific written objection to the inclusion and can provide the property with adequate service within a reasonable time and on a comparable basis. If the petition is granted, the Board shall make an order to that effect and file the same with the clerk of the District Court requesting issuance of a final order of inclusion.

(32-1-401(1)(b) and 32-1-401(2)(c), CRS) Final order (32-1-401(1)(c)CRS

4. Inclusion by Election and Exclusion Rights

An inclusion by election will follow all guidelines, statutes, and laws as specified in Title 32, Title 39, and any other governmental issuance on legal boundary issues for a special district in Colorado. Petition for Exclusion can only be initiated by 100% fee owner of real property within the District, and must be accompanied by a deposit of money sufficient to pay all costs of the exclusion proceedings. (32-1-501(1), CRS)

Article 2

Section 1

Powers of the NFMAD Board of Directors

- a. To adopt, amend, and enforce bylaws and rules and regulations not in conflict with the constitution and laws of the state of Colorado for carrying on business, objects and affairs of the Board and the District.
- b. To originate, adopt, execute and enforce such methods, plans and procedures as are appropriate to reduce and eradicate mosquito populations within the boundaries of the District, using evidence-based, environmentally sound control procedures.
- c. To exercise all financial powers enumerated in Colorado REV STAT 32-1-1101 through 32-1-11-5, including, but not limited to, power and authority to levy and collect ad valorem taxes on or

against all taxable property within the District, pursuant to Colorado REV STAT 32-1-1201 through 32-1-1204.

- d. To have the management, control, and supervision of all business and affairs of the District, and all construction, installation, operation, and maintenance of District improvements therein.
- e. To appoint, hire and retain agents, employees, engineers and attorneys
- f. To furnish services and facilities without the boundaries of the District, and to establish fees, rates, tolls penalties or charges for such services and facilities.
- g. To fix and from time to time to increase or decrease fees, rates, tolls, penalties, or charges for services, programs, or facilities furnished by the District. The Board may pledge such revenue for the payment of any indebtedness of the District. Until Paid, all such fees, rates, tolls, penalties, or charges shall constitute a perpetual lien on and against the property served, and any such lien may be foreclosed in the same manner as provided by the laws of the state of Colorado for the foreclosure of mechanics' liens.
- h. To accept on behalf of the District, real or personal property for the use of the District, and to accept gifts and conveyances made to the District upon such terms or conditions the Board may approve.
- i. To acquire, dispose of and encumber real and personal property including, without limitation, rights and interest in property, leases and easements necessary to the functions or the operation of the District; except that the Board shall not pay more than fair market value and reasonable settlement costs for any interest in real property and shall not pay for any interest in real property which must otherwise be dedicated for public use or the District's use in accordance with any governmental ordinance, regulation, or law.

- j. To have and use a corporate seal
- k. To sue and be sued, and be party to suits, actions, and proceedings
- l. Except as limited by statute, to enter into contracts and agreements affecting the affairs of the District, including contracts with other governmental agencies. Except in cases in which the District will receive aid from a governmental agency or purchase through the state purchasing program, a notice shall be published for bids on all construction work or material, or both, involving an expense of \$25,000, Twenty five thousand dollars or more of public monies. The District may reject any and all bids, and if it appears that the District can perform the work or secure material for less than the lowest bid, it may proceed to do so. No contract for work or material, including a contract for services, regardless of the amount, shall be entered into between the District and a Director of the Board or between the District and the owner of twenty five percent (25%) or more of the territory within the District unless a notice has been published for bids and such Director or Owner submits the lowest responsible and responsive bid.
- m. To borrow money and incur indebtedness and evidence the same by certificates, notes, or debentures, and to issue bonds, including revenue bonds in accordance with the provisions of Colorado REV STAT 32-1-1101 through 32-1-1105, and to invest any monies of the District in accordance with Part 6 of Article 75 of Title 24, Colorado Revised Statutes.

Section 2

A. Qualifications:

- 1. to qualify as a Director of a special District, a person must be an "eligible elector" which is defined as a Registered Voter of Colorado, plus either
 - a. A resident of the District for not less than thirty (30) days, or

- b. The owner (or spouse/domestic partner of the owner) of taxable real or personal property situated in the District.
 2. No person may self-nominate, be nominated by others, or be appointed to the Board of Directors if:
 - a. Convicted of a felony in any of the 50 United States of America or US Territories
 - b. Been remanded into custody for greater than 24 hours, or served a jail sentence of any length for any reason
 - c. Required to register as a sex-offender of any level, pedophile, or child-abuser
 - d. Currently under a DUI or DWI suspension of driver's license
3. Director qualifications must be met at the time of execution of the self-nomination form or letter, or at the time of appointment by the Board of Directors, if filling a vacancy, and must be maintained in order to remain qualified as a Director.

B. Taking Office:

1. Oath

Each Director, within 30 days after election or appointment, shall take an oath of faithful performance. Title 32-1-901(1) CRS. The Oath must be administered by a qualified Board official (Director, Chairman or President, notary public, clerk of the court, or clerk and recorder) and filed with the clerk of the District Court that issued the District's organizational decree, the county clerk and recorder for the counties in which the District is situated, and Division of Local Government.

2. Bond

Along with the Oath, an individual, schedule or blanket surety bond of not less than \$1000 must be filed for each Director with the

clerk of the court and the Division of Local Government, conditioned upon the faithful performance of his/her duties as a Director.

The Treasurer or Accountant must file with the clerk of the court a corporate fidelity bond of not less than \$5000, for the 5 Board of Director positions. The District may choose to obtain a single blanket position schedule bond, setting forth the required amounts for each position on the board. The surety bond and fidelity bond requirements are satisfied if the District buys crime coverage from the CO SDA Property and Liability pool.

3. Commencement of Term

A Director's regular term of office commences at the next Board meeting, following the date of the election, no later than 30 days following the survey of returns of election or date of regular election if the election has been cancelled.

If the Director has been appointed, the term of office may commence at the meeting immediately.

C. Term of Office of a Director of the Board

1. There shall be five (5) Directors who shall constitute the Governing Board of the District.
2. Two Directors will have 4 year terms of office, and 3 will have 3 year terms of office. Elections, or commitments to a term of office, will offset so that new members of the Board of Directors make up not more than 3 of the 5 Director positions.
3. Term Limits: Directors are limited to two consecutive terms of office, a total of 6-7 years, unless the voters of the District lengthen, shorten, or eliminate that limitation (Article XVIII, Section 11, Colorado Constitution).
4. Term-limited elected officials cannot run again for election to the same body by moving to a new Director District,

redistricting, or a change in the at-large or specific District nature of the seat currently occupied.

D. Vacancies

1. Any vacancy on the board shall be filled by appointment by the remaining Directors, the appointee to serve until the next regular election, at which time, the vacancy shall be filled by election or any remaining unexpired portion of the term.
2. If, within sixty (60) days of the occurrence of a vacancy, the Board fails, neglects, or refuses to appoint a Director from the pool of the duly qualified, willing candidates, the Board of County Commissioners of Delta County may appoint a director to fill such vacancy. The remaining Directors shall not lose their authority to make an appointment to fill any vacancy unless and until the BOCC for Delta County actually makes an appointment to fill the vacancy.
3. The Board of County Commissioners for Delta County shall not make an appointment pursuant to this section unless it provides thirty (30) days notice of its intention to make such appointment to the remaining members of the Board and the vacancy remains open at the time the BOCC makes its appointment.
4. A Director's office shall be deemed vacant if there is failure to comply with the above-stated qualifications, failure to satisfy the oath and bond requirements, a written letter of resignation is received by the Board of Directors, there is a felony conviction of any type, or removal from office or voidance of election by court (subject to appeal).
5. If a Director fails to attend 3 consecutive Board meetings followed by a fourth absence, unless approval of the fourth

absence is entered in the minutes, or is excused by temporary mental or physical disability or illness.

6. A Director's office shall be deemed vacant in the case of death.
7. There is no legal requirement to post or publish notice of a vacancy prior to the District Board appointing someone to fill the opening, unless there is conveyance of title to a taxable property. Notice of this type of vacancy must be published ten days before the Board of Directors may fill the seat, in order to allow for an otherwise qualified eligible elector to file a letter of interest.

E. Confidentiality and Limits of Liability

1. Due to federal, state, and local government mandates for special district information protection and transparency, all NFMAD operations and procedures, including but not limited to: financial transactions and operations, trap location, counts and data, RAMP testing, larval, pupal, and adulticide treatment locations, products, and timing, financial payroll, etc., are to be kept in strict confidence. Posting on social media, email, or other internet pages or sites, as well as verbal public sharing is prohibited, and violation of this non-disclosure agreement is grounds for immediate dismissal and resignation for Board of Directors and all employed persons.
2. Directors will likely become privy to confidential information about the District. When a District seeks legal counsel, the communications between the lawyer and the District Board are confidential and are protected by the attorney-client privilege.
3. Discussions regarding specific legal questions in executive session are privileged.
4. The attorney-client privilege protects the content of communications with the District's attorney from disclosure in

- court. This is an important protection for the District, and will be voided completely by disclosing of privileged information confidential communications to a third party. Once the privilege is lost, the content of the communications is no longer considered confidential and can be used against the District in future lawsuits.
5. The District attorney-client privilege is held by the District, not the individual Board members. Therefore, only the District as a whole can waive attorney-client privilege by an intentional, official act, such as the adoption of a resolution. An inadvertent or unauthorized disclosure of confidential information by one Director does not constitute a waiver of privilege, and the information cannot be used against the District in court.
- F. Duties of Office for NFMAD Board of Directors
1. Officers: after taking the Oath of Office and filing of bonds, the governing Board of the District shall elect one of its members as Chairman of the Board and President of the District, one of its members as a Treasurer of the Board and District, and a Secretary of the Board. The Secretary and Treasurer may be one person, but in this case, the person must be a Board member. A non-member may be hired to fulfill the secretary duties if desired, but will not having voting privileges of the Board.
 2. The Chair shall preside at all meetings of the Board and District. The Chair shall be responsible to the board during its periods of adjournment for the administration and coordination of the routine affairs of the District, and shall perform such other duties as are customarily associated with the office.
 3. The Vice-Chair shall exercise all the powers , duties, and authorities of the Chair during the absence or incapacity of the latter.
 4. The Secretary shall keep a record of all proceedings, agendas, minutes of all meetings, certificates, contracts, bonds given by employees and all corporate acts and

resolutions of the District. These records may be kept by the Treasurer or outside accountancy service, in addition to the financial records on a monthly basis throughout the calendar year. Further, the secretary/treasurer will perform other duties consistent with the offices as the Chair deems necessary.

5. The Treasurer will communicate with the accountancy firm, keeping strict and accurate accounts of all monies received by and disbursed for and on behalf of the District in permanent records.
6. The Board of Directors will hire a non-member accountancy firm to maintain strict and accurate records of all financial transactions of the District. This firm will file all appropriate and required mandatory postings and filings, and actions associated with such filings, including but not limited to notice of election, Names/contact information of the Board with the Department of Local Affairs, Certified copy of notice of budget, certified copy of the budget, application for exemption of audit if applicable, certification of mill levy, and other timely requirements.
7. A transparency notice will be published by the Board of Directors in January of the current year stating the Resolution of Announcement, for all regular Board meetings. NFMAD has resolved to announce online on the NFMAD.org website, the Facebook NFMAD page, and by fax to the town halls of Hotchkiss and Paonia, the Paonia library, and the Delta County Annex in Hotchkiss. If for any reason this resolution is altered during the calendar year, a public announcement must be made in local newspapers, and filing of amended resolution to DOLA, BOCC, and other agencies as required.
8. A Director of the District has a general, common-law fiduciary obligation to the District. (24-18-109, CRS). This obligation does not extend to each individual resident of the District, but rather to the District itself. As a fiduciary, the Director has the duty to exercise the utmost good faith, business sense and astuteness on behalf of the District.

9. A Director is prohibited from taking personal advantage of a situation to benefit himself or prejudice the District.

G. Compensation, Gifts, and Reimbursements

1. Directors may receive compensation not in excess of \$1600 per annum, payable not to exceed \$100 per meeting attended. (32-1-902(3)(a) CRS)
2. Any "perks" received by a Director may be considered compensation and subject to limitations, unless they are in exchange for value actually received or are considered to be a valid expense otherwise subject to reimbursement.
3. No Director shall receive compensation as an employee of the special District
4. Reimbursement of actual expenses for Directors shall not be considered compensation. Actual expenses may include mileage and out-of-pocket expenses incurred in service as a Director.
5. Gifts in excess of \$53 must be disclosed to the Board.

H. Elections

1. Election Resolution: The election process is initiated by Board adoption of an Election Resolution. Depending on whether the election is a regular biennial election, a November election, or a special election, the election resolution may address the following as applicable: (a) election of members to the NFMAD Board of Directors (b) polling place or mailing format including locations, (c) any ballot issues/questions to be presented, (d) whether election is coordinated with Delta County, and (e) the appointment of the designated election official.
2. On February 1st of regular election years, the Board will open a period of sixty (60) days for self-nomination of eligible electors for a Board seat. Self-nomination forms may be received by mail only to the stated Post Office Box address of NFMAD, PO BOX 1822, Paonia, CO, 81428

3. If there an equal number of self-nominated candidates to open seats on the Board, and the nominees are eligible, the election may be cancelled.
4. If there are more self-nominated candidates than open seats on the Board, an election will be held, unless a seat is opened by resignation of a current Director.

Section 3

1. Meetings

Regular Board Meetings will take place monthly between April and October, and as needed during the rest of the year.

2. Meetings will be at a designated time and place as resolved in January of the current year, posted to the places of announcement and appropriate online avenues.
3. Notices faxed to the town halls of Paonia and Hotchkiss, the Paonia library, and the Delta County annex in Hotchkiss, shall remain posted and be changed if the date and time of the meeting is altered or changed.
4. Items One through Three of Section 3 (1 to 3) may be waived on the current agenda of the Board of Directors.
5. Special meetings may be called by any Director by informing the other Directors of the date, time, and place of such Special meeting, and the purpose for which it is called, and by posting notice as provided in number 3 of Section 3, three (3) days prior to said meeting
6. All official business of the Board shall be conducted only during said Regular or Special meetings at which a quorum is present, and all said meetings shall be open to the public. Three (3) members of the Board shall constitute a quorum at any meeting.
7. Any person wishing to present any information, statement, or discussion to the Board of Directors shall present the Board with a written letter, stating the topic to be discussed, at least three (3) days prior to the meeting so that they can be included on the posted agenda. There will be a

maximum of ten (10) minutes allotted to each person that has written a letter requesting to be placed on the agenda. Any person wishing to present any information, statement, or question to the Board who is not on the agenda will be limited to five (5) minutes per person.

8. Robert's Rules of Parliamentary order shall govern the conduct of all meetings of the Board and the District.
9. Special Notice must be posted if the Regular or Special meeting includes a final determination to issue or refund general obligation indebtedness, to consolidate the District with another Special District, to dissolve the District, to file a plan for the adjustment of debt under the Federal bankruptcy law, or to enter into a private contract with a Director, or not to make a scheduled bond payment, shall set forth such proposed action.

Section 3

A. Financial Audit

1. An outside accountancy firm will be hired for the District, as previously stated.
2. In accordance with Colorado REV STAT 290-1-604, where neither revenues nor expenditures exceed One hundred thousand dollars (\$100,000) in any fiscal year commencing on or after January 1, 1998, the District may, with the approval of the state of Colorado auditor, be exempt from the audit provisions of Colorado REV STAT 29-1-603.
3. Where revenues are between One hundred thousand (\$100,000) dollars and Three hundred thousand (\$300,000) dollars, the District may, with approval of the state of Colorado auditor, be exempt from the audit provisions of the above stated statute.

4. If the Board of Directors claims an exemption from audit requirements pursuant to this section, it shall file an application for exemption from audit. Any application filed pursuant to item 2 and/or 3 above in Section 3, must be prepared by a person skilled in governmental accounting and reporting, and be an independent firm from the NFMAD Board of Directors.
 5. An application for exemption from audit shall be completed in full accordance with regulations issued by the state of Colorado auditor, and shall be personally reviewed, approved, and signed by the majority of the members of the Board of Directors of NFMAD.
 6. This application for exemption from audit is to be filed with the state auditor within three (3) months after the close of the District's fiscal year, December 31st.
- B. Transparency of Financials of NFMAD
1. Monthly financial reports shall be posted to the appropriate month on the Meetings page of the website, www.nfmad.org for the residents of the District.
 2. Questions regarding the financial practices of the District will be directed to the Board, not to the accountancy firm representative.
 3. All Budgetary planning for the following year will occur in open meetings, in accordance with Colorado Open Records Act, and meeting mandates.
 4. A notice of Budget shall be published once in a local newspaper, in addition to the resolved places of announcement, and also be posted to the website in advance of the regular Board meeting.

Section 4

A. Bylaws

1. Amendments to these Bylaws of the NFMAD shall be adopted by the affirming vote of four-fifths (4/5) of the total Board of Directors members at a regular meeting.
2. The proposed amendments will be made available online, and printed copies at the town halls of Hotchkiss and Paonia, and the Paonia library.
3. Final approval of the Bylaws may take place at the following regular Board meeting, with an affirming four-fifths (4/5) Director vote.